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Refugee Reports

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REFUGEES LEARN TO FLEX POLITICAL MUSCLE

With the campaign season now at an end, people in refugee communities throughout the United States have begun to assess their involvement in the American political process. Their degree of understanding and participation, not unexpectedly, varies widely according to national origin, length of time in this country, and demographic strength. Most assessments still rate refugee political clout as minor right now, but with great potential for the future.

One key to their success will be the degree to which refugees can play coalition politics within their wider immigrant and ethnic communities. The combined Hispanic and Asian demographic strength in five of the most electoral-vote heavy states--California, Texas, New York, Illinois, and Florida--is growing dramatically. The 1980 census found that Hispanics comprised 19 percent and Asians 5.3 percent of the California population.

Hispanics--more than half of whom are of Cuban origin--comprise almost 9 percent of Florida's population. Their political clout is heightened because they are concentrated in Dade County, where they represent 36 percent of the population. In 1985, Cuban-born Xavier Suarez was elected as Mayor of Miami, and Bob Martinez this month became Florida's first Hispanic governor.

In September, the National Association of Latino Elected and Appointed Officials released a survey showing similar Hispanic inroads into Texas and California politics--with 1,466 Spanish-surnamed elected officials in Texas, and 450 in California. The national total of Hispanic elected officials, 3,202, was double the number a decade ago. The Association said that nine congressional districts have majority Hispanic populations.

Demographers project that the Asian and Hispanic proportions of the population will continue to grow nationwide, with particular impact on the vote-rich, sun-belt states. They predict that Texas will be one-third Hispanic by the end of the century and that California will have a "Third World" majority population early next century. Asians are already estimated to comprise 7.5 percent of the California

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population, and are projected to comprise nearly 16 percent by the year 2030. The Population Reference Bureau estimates a tripling of the current Asian-American population nationwide by the year 2,000, an increase to 4 percent of the total U.S. population. Vietnamese will be the fastest growing Asian-American group, and, in fifty years, will become California's largest Asian ethnic group, demographers say.

Cambodian Runs for Public Office One indication of heightened political consciousness on the part of the refugee community took place this summer in California with the candidacy of Nil S. Hul, a Cambodian businessman, who ran for the Long Beach City Council.

Although he lost the election, Hul, director of the Cambodian Association of Long Beach and a leader in other Cambodian business and cultural associations, feels that the campaign was a success. "It represents a moral awakening of the Indochinese community," he said. "We will run again from now on. Not only me, but more qualified, younger people more used to the American system."

Hul said that the prospect of running for office at first was scary. "We are new over here. We don't know what's going on." But the Southeast Asian community had found city officials slow to respond to their needs. "We needed a voice in the city. Otherwise there would be no way to get anything for the community," Hul recalled. He confessed that at first no one wanted to run. But, finally the Organization of Indochinese Americans (OIA) decided to promote his candidacy. He began coalition building right away, winning the endorsement of the Filipino community.

The 25,000 member Cambodian community has benefited from the increased visibility. Hul said, "The other ethnic communities now realize we have Cambodians here."

N. Andy Anh, treasurer of OIA, as well as executive director of the Economic Employment and Development Center, said that the Hul campaign helped bring a sense of civic duty to the local Indochinese community. The OIA began knocking on doors to register new voters.

Prop. 63 Spurs Minority Coalition-Building Anh has been active in coalition-building with other California minority groups. For example, he joined other Asian and Hispanic leaders in a press conference and legislative hearings in opposition to Proposition 63, the California initiative to make English the official language. Despite their efforts, the initiative passed with more than 73 percent of the vote.

The failure to defeat Proposition 63, however, suggests to refugee leaders the more difficult task of communicating beyond other minority groups to the public as a whole. "We were not able to get the message across," said Vu Duc Vuong, president of the Vietnamese-American Democratic Club, in San Francisco.

The Democratic club has been active in another traditional area of politics--endorsing and supporting particular candidates. In the recent elections, the Vietnamese-American Democratic Club endorsed Mayor Tom Bradley in his run for the governorship. In addition to leafleting and canvassing on his behalf, the club held a fundraiser for Bradley. "By California standards, we didn't raise very much money," said Vuong, "but the endorsement meant more than the money because it showed a commitment from some in this community for him."

Efforts to Build Effective Political Power Base Underway The need for increased naturalization and registration is voiced almost universally by Southeast Asian leaders active in American politics.

One of the more sophisticated and successful efforts took place this summer in Orange County, California, with the creation of the Asian Republican Headquarters. Tran Van, a field representative for Rep. Robert K. Dornan (R-Cal.), helped to create the center, which included a phone-bank of 15 telephones. Volunteers from the Vietnamese and Korean Republican clubs called Vietnamese and Koreans whose names were on a computer print-out supplied by the Republican Party. Vietnamese and Koreans residing in areas with high Democratic registration were favored targets.

"We would ask people if they were citizens," said Tran. "If they said yes, we could register them by phone by filling out the forms and sending them back to the people for their signatures." The group also set up registration tables at shopping centers, churches, and at public events.

REFUGEES NATURALIZE AT HIGH RATES

Population, alone, does not measure political impact. Before their true political weight will be felt, refugees must adjust to permanent resident status after one year; apply to become naturalized citizens after five years; register to vote; and, finally, go to the polls and cast their ballots. Each step represents a hurdle to those unfamiliar with the process.

Despite the obstacles, available statistical data indicate that Asians, including Southeast Asian refugees, are naturalizing at very high rates.

In an as yet unpublished study by University of Minnesota professors Mark Rosenzweig and Guillermina Jasso, Asians are shown to naturalize at dramatically higher rates than other immigrant groups. Based on the rates of naturalization reflected in the 1980 census of immigrants who entered the United States in 1971, the researchers found that over 60 percent of Koreans and Chinese naturalized, while only 2.4 percent of Mexicans and 1.5 percent of Canadians opted to naturalize. Of the Cubans who arrived in 1971, 26.5 percent naturalized, significantly higher than other Western hemisphere immigrants, but well below the Asian average. Since the University of Minnesota research is based on 1980 census data, it does not reflect Southeast Asian naturalization rates.

Because of the five-year residency wait before naturalization, Southeast Asians have only recently begun to naturalize in significant numbers, making meaningful statistical inferences difficult. Nevertheless, the Immigration and Naturalization Service (INS) has analyzed rates of adjustment of status to permanent resident, the necessary first step to eventual citizenship, which can be done one year after arrival (see Refugee Reports, Vol. VI, No. 9).

INS found that 98 percent of Vietnamese refugees who arrived in 1975 had adjusted to permanent resident status by the end of 1984. In the period of refugee arrivals from 1975 to 1983, 81 percent of Vietnamese and 64 percent of Cambodians had adjusted to permanent resident status.

For those who had resided in the United States long enough to naturalize, INS found that Vietnamese and Cambodians naturalized at higher rates than immigrants as a whole, but lower than the rates for all Asian immigrants.

Figures for 1985 showed that Southeast Asians increasingly naturalize with each successive year of residence. In 1984, 11,039 Vietnamese naturalized; in 1985, the number jumped to 18,060. Though smaller in number, Cambodian and Lao naturalizations are almost identical in scale of growth--Cambodian naturalizations rose from 512 in 1984 to 860 in 1985; Laotians, from 968 to 1,616.

The Cubans who arrived in the 1980 Mariel Boatlift have also registered to adjust to permanent resident status at high rates (see Refugee Reports, Vol. VI, No. 2). A total of 95,116, or 76 percent of the total registered, of whom 44,239, less than half, have had their status adjusted under the Cuban Adjustment Act.

Tran said that 3,000 to 5,000 Vietnamese- and Korean-Americans registered as a result of the effort.

GOP Makes Inroads Among Southeast Asians

Most of the Southeast Asians interviewed for this story agreed that the community is overwhelmingly Republican in political orientation. Tran gives two reasons that are echoed widely. "The Republicans have a staunch anti-communist position. In essence, we are here because the communists drove us out. We know the Republicans will stand up to the communists."

Also, said Tran, the GOP's "spirit of economic self-sufficiency truly coincides with the working ethic of the small 'Mom and Pop' shops arising in our community."

Good data are not yet available on percentages of party affiliation among Southeast Asians. However, in an analysis of the 1984 election in California, Bruce E. Cairn and D. Roderick Kiewiet, of the California Institute of Technology, found 67 percent of the Asian population as a whole voted for Ronald Reagan, a wider margin of support

than among all other groups, including whites. They also found Asians to have the highest Republican voter registration of all groups sampled, 41 percent.

In a recent article on Asian political power in the California Journal, Elizabeth Aoki wrote that many new Southeast Asian registrants are choosing to register as independents. "In Southeast Asia, party politics was a dangerous game," she wrote, "and reluctance to commit to a party is a natural reaction."

A recently naturalized Cambodian woman told Refugee Reports that she was reluctant to register, much less to vote and declare political affiliation, because, "it could be embarrassing, or dangerous." She added that when she first heard about "Democrats" in America, she was shocked because she remembered communists calling themselves "democrats" in Cambodia. The term "democrat" evoked horrible memories, whereas a non-communist party of Cambodia called itself "Republican." The Cambodian woman said she thought she would be more comfortable with the Republicans, but that "I need more knowledge to decide between them."

Many Southeast Asians do not understand why they need to register, according to Frank Vinh, chairman of the Vietnamese-American Republican Association and co-chairman of the Asian-American Voters Coalition. He said, "I have checked with hundreds of citizens who didn't know they had to register before voting." Others, he said, express suspicion or apathy by saying, "'I'm just a refugee. I have nothing to do with politics.'"

Refugees Face Many Obstacles to Political Participation Cultural barriers to participation at all levels of politics run deep. Chuong Tran, a legislative assistant to Rep. Bill McCollum (R-Fla.), said the Confucian philosophy gives a sense that one cannot change the system and that it is rude to make demands on authority. He said that the language barrier for many is a major obstacle. "It is tough to sit down and write a letter to a Congressman."

Tran also said that many Southeast Asians are pragmatic and have to be convinced of the benefits in participating.

Vuong said that it is difficult to get the community involved because "in the first few years, survival is the primary concern." He said, "Refugees do not see themselves as part of the American system--they see themselves as outsiders."

Mistrust and Fear Inhibit Political Participation Many also bring a distrust of American politics from the memory of politics in their homeland. "In Vietnam, we did not have a democratic system in which you felt you could participate and make a change," said Vuong.

"Back home," said Neal Cheng Thao, a Hmong social worker in Minnesota, "if the government does something you don't like, you keep quiet. It is hard for us to understand that in America you can protest and no one kills you."

Apprehension arose in the Minnesota Hmong community earlier this year after Sen. David Durenberger (R-Minn.) voiced concern about high Hmong welfare dependency rates (see Refugee Reports, Vol. VII, No. 5). The statement caused great fear in the community, according to Thao. Some, especially older and more traditional people with a military background in Laos, expressed the view, "If he gets angry, he will kill us," and implored the younger members of the community to keep quiet, Thao recalled.

Nevertheless, the Hmong community was able to garner support from a wide spectrum of Minnesota political leaders, voluntary agency personnel, and the media. A letter was finally sent to Durenberger on behalf of the Hmong community.

Durenberger responded positively, and the issue was amicably resolved. Thao observed, "In America, people can attack each other politically, but remain friends."

Since that time, 61 organizations, including all of Minnesota's mutual assistance associations, have come together to form the Minnesota Refugee Advocacy Coalition. A series of meetings and fundraisers have been held to publicize issues of concern to Minnesota's refugees.

A delegation from the coalition traveled to Washington D.C. to meet with influential senators and present their concerns about maintaining refugee admissions levels.

Some Focus Political Energies on Southeast Asian Liberation Struggles Just as memories of the past color refugee attitudes, so too do hopes for the future--the aspiration to liberate the homeland.

WASHINGTON, D.C.-BASED GROUPS HELP REFUGEE ADVOCACY EFFORTS

Several national organizations based in Washington, D.C. are working together to help increase the impact of refugees on the American political process.

A dramatic demonstration of increased political consciousness was the first national Indochinese Community Leadership Convention held in June. The conference, sponsored by the Indochina Resource Action Center (IRAC), brought together 300 participants from 37 states.

Recommendations arising from the convention focused on the need to establish a national advocacy network of refugee mutual assistance associations (MAAs), voluntary agencies, and concerned individuals. Recommendations included naturalization and voter registration drives, the development of information programs to communicate issues to the national network, and increased targeting of the media and Congress.

In addition to developing a voter registration project, IRAC, a nonpartisan group, plans to stress citizenship education. "We need to let the community know why they need to be citizens and the rights they can exercise as citizens, such as voting and petitioning for relatives to come as immigrants," said IRAC president, Le Xuan Khoa.

IRAC is located at 1118 22nd St., NW, Suite 300, Washington, DC 20037. (202) 223-8866.

Another group active on the advocacy front is the National Immigration, Refugee, and Citizenship Forum. Comprised of more than 90 organizations, the Forum has been involved primarily in helping somewhat disparate refugee and immigrant communities find common ground in their advocacy efforts.

"Our role," said Forum president, Rick Swartz, "is to teach newcomers how to swim in these waters. We don't do the swimming for them. We help open doors and give access, but these groups speak for themselves." Swartz said he tells newcomers not to be intimidated by American politics. "Ninety-nine percent of the American public is intimidated too," he tells them.

The Forum scheduled a refugee and displaced persons protection conference back-to-back with the IRAC Indochinese leadership convention. Representatives from a wide range of groups and nationalities worked to identify common goals and to develop coalition strategies.

For more information, contact the Forum at 533 8th St., SE, Washington, DC 20003. (202) 544-0004.

The U.S. Committee for Refugees has worked closely both with the Forum and IRAC. In cooperation with the Forum, USCR conducted a congressional needs survey of the 99th Congress. First, members of Congress were surveyed about their knowledge and involvement in refugee affairs. "We found out that they knew very little about the refugee community itself," said Nancy Iris, former USCR policy and information coordinator.

The project identified members of Congress according to districts with the heaviest concentration of refugees. Using the IRAC mailing list, information on each representative was sent to MAAs in their districts. The congressional listing by high refugee impact districts is being updated for the 100th Congress.

For copies of the updated list, contact USCR, 815 15th St., NW, Washington, DC 20005. (202) 667-0782.

The Advocacy Institute, an organization that works broadly with public interest groups, has also begun to look at ways to help with training and orientation for refugees in lobbying.

The Institute, in cooperation with the Forum, held a strategy session on September 11 with refugee leaders to share lobbying experiences and techniques. The session, which included refugees from Iran, Southeast Asia, the Horn of Africa, Afghanistan, Central America, and South Africa, was broadcast on NBC's Today Show.

The Institute, located at 1527 18th St., NW, Washington, DC 20036, (202) 745-0250, continues to work with IRAC, as well, to monitor developments on Capitol Hill with an eye to implementing the IRAC convention recommendations.

Cambodian and Lao refugees protest eviction in Chicago

Hector Alicea/ Lerner Newspapers

One prominent Vietnamese leader, who declined to be identified, said, "Lots of my friends criticized me when I applied for naturalization saying that I as a leader was betraying my country and denying my national identity."

Another leader, Andy Anh, while acknowledging that many people think priority should be given to the struggle to overthrow the communists, said, "One doesn't preclude the other. We can fight on both fronts. We can't neglect this side just to concentrate on liberation movements. Most of us involved in local politics think we should do both."

Refugees Appeal to Judicial System

Electoral politics only tell part of the story of the American political system. Refugees are having growing success in gaining access to the judicial branch through litigating for their rights. For example, the National Refugee Rights Project was able to restore $5.2 million in benefits to some 10,000 refugees in California when the Office of Refugee Resettlement was enjoined by a California judge from enforcing a change in federal regulations. "Oftentimes we can't challenge the program itself," said Robert Rubin, managing attorney for the project, "but we can provide for fairness in the way programs are implemented."

The Haitian community, however, was able to use the courts to challenge the system head on and reverse U.S. government policy. "The Haitians in their own way come from the weakest point," said Rick Swartz, president of the National Immigration, Refugee, and Citizenship Forum. "They are refugees without recognition, black, poor, a powerless group that illustrates the dispossessed." In the late 1970s, a law suit, Haitian Refugee Center v. Civiletti, challenged the U.S. rejection of Haitian asylum claims. Witnesses from the Haitian community came forward to testify about repression in the homeland. "We saw how the courts could be used to get at the truth. And we won overwhelmingly on issues of fact," recalled Swartz. "We also saw the courage of Haitians to get up in a court in a free society and testify."

The suit had a tremendous impact in giving the Haitian community a sense of organization and hope, according to Gerard Jean-Juste, executive director of the Haitian Refugee Center. "We had been down and crushed," he said. "It was very good therapy for us." Jean-Juste added, "Many say, 'Hey, you have no rights here.' We proved at the court we have rights."

Southeast Asians in Chicago Assert Rights

Despite all the obstacles to political participation, the Southeast Asian community of Chicago has proven itself adept at working with elected officials and the media to win community improvements.

"Southeast Asians in Chicago have been fairly sophisticated," said Ngoan Le, executive director of the Vietnamese Association of Illinois. She said that several Southeast Asians serve on the mayor's advisory committee on Asian-American affairs, including its chairman.

After a Vietnamese person was shot and killed in a robbery this summer, the community responded by holding a hearing and inviting aldermen, state representatives, and Democratic Party ward committeemen. The refugees called for improved police protection. On August 5, a delegation from the community met with Mayor Harold Washington asking him to hire someone in the police department with Southeast Asian language capability.

But all problems have not been resolvable through discussion with elected officials alone. As in many other cities, Chicago has been hit by a shortage in low-cost housing caused in part by gentrification. In many Uptown areas of Chicago, business development, fueled largely by the Chinese and Southeast Asian communities, has transformed slum areas into thriving communities (see Refugee Reports, Vol. VII, No. 5).

In August, the Cambodian and Lao tenants of a run-down building in a recently declared Uptown "historical district" were given 30-day eviction notices to make way for renovation. Krisna Abhay, executive director of the Lao Service Center, said a group met with the owner, who told them his business was renovating buildings, not dealing with social issues. Since there was no room for compromise in the owner's position, the group decided to take to the streets.

More than 200 refugees joined in the protest march. Rev. Peter Tran of the Indochinese Catholic Center said that the demonstration revealed the frustration the people felt. "It demonstrates that they wanted to be treated with decency and did not want to be pushed around." Tran said that the memory of being forced from their homelands was fresh in the minds of the refugees. "As they began to make a home here and felt comfortable where they lived," he said, "once again they were told to move out."

Even given the level of anger and frustration, said Abhay, many of the tenants were afraid to demonstrate, thinking they would be arrested. "This was different from Laos," Abhay told Refugee Reports. "It was the first time we exercised our rights to speak out."

The refugees enlisted the support of Alderman Jerry Orbach to intercede with the developer. They also drew a great deal of local television and press coverage, including accounts of the stench in the building caused by the back-up of a sewer that the owner had neglected to repair.

A compromise was finally reached. Although the tenants will have to move out, they received an extension on the eviction date, a return of security deposits, and $200 for moving expenses.

Tran said that the tenants held a victory party. "They were proud of their united efforts," he said. "The principle was intact, though poor and being refugees as they are, all they ask is to be treated with respect and dignity. It is not too much to ask for."

Update

° On October 17, President Reagan authorized admission of up to 70,000 refugees to the United States in FY 87. Regional ceilings were allocated as follows: 32,000 for first asylum from East Asia and 8,500 for the East Asian Orderly Departure Program; 10,000 for Eastern Europe and the Soviet Union; 8,000 for the Near East and South Asia; 3,500 for Africa; and 4,000 for Latin America and the Caribbean.

An unallocated reserve of 4,000 was also established for "contingent refugee admission needs," but with two conditions. First, Congress must be notified in advance of any need to draw upon reserve numbers. Second, admission of refugees using the reserve "shall be contingent upon the availability of private sector funding."

An official with the Immigration and Naturalization Service reported that her

agency has been meeting informally with the Department of State's Bureau for Refugee Programs and with the Office of Refugee Resettlement to discuss the possibility of implementing a private sponsorship program sometime during FY 87. She characterized the discussions as "just brainstorming at the moment. We're considering a few different models and some pilot projects. We don't anticipate using all 4,000 this year."

° At an October 7 meeting of the UN High Commissioner for Refugees (UNHCR) in Geneva, a Thai government official reaffirmed Thailand's intentions to close Khao I Dang refugee camp by the end of the year. The Bangkok Post reported that Khachatphai Burutphat, deputy secretary general of the National Security Council, told UNHCR that after Khao I Dang is closed, "refugees who have not been accepted for resettlement will be moved to new camps along the Thai-Cambodian border."

Several observers have suggested that, although the Thai government has occasionally sent out conflicting signals about Khao I Dang, it now seems likely that the camp will be closed at the end of the year. The terms of the closure and its immediate impact on camp residents, however, remain unclear, observers say.

The UNHCR estimate of Khao I Dang's population at the end of September was 24,235. This includes about 15,000 Cambodians who have been rejected by the United States. According to UNHCR statistics, close to 4,000 people in this category have family in the United States.

Recent Developments

OFFICIALS PONDER IMPLEMENTATION OF IMMIGRATION REFORM

The Immigration Reform and Control Act of 1986 was signed into law on November 6, ending a six-year effort by Congress to draft a legislative response to illegal immigration. The new act includes provisions for an amnesty program that may allow an estimated 1.4 to 2 million of the undocumented aliens living in the United States to become legal residents.

Government and private agency officials are now pondering the enormous task of implementing a nationwide legalization program. They are also examining the impact of the new legislation on Cuban-Haitian "entrants," as well as on groups who have been granted extended voluntary departure (EVD), a temporary stay of detention and deportation granted by the Attorney General.

Anticipating an implementation date of May 1987 for the legalization program, the Immigration and Naturalization Service (INS) will begin a series of meetings on November 14 with some of the national voluntary agencies which may assist in handling applications for adjustment of status. Voluntary agency roles, INS monitoring functions, and reimbursement fees will be among the topics to be discussed, according to an INS official.

The new act provides an initial, temporary resident status and work authorization to aliens who entered the United States illegally prior to January 1, 1982 and who can demonstrate that they have resided continuously in the country since that time. After 18 months, these individuals can then adjust their temporary status to that of permanent resident, if they can show that they are admissible to the United States as immigrants. They must also show that they have, or are in the process of acquiring, such "basic citizenship skills" as an understanding of English, and some knowledge of the history and government of the United States.

The act also bars newly legalized aliens from receiving federal public assistance benefits for five years after becoming temporary residents.

The immigration act authorizes the Attorney General to designate "qualified voluntary organizations" and other state, local, and community organizations to assist in the legalization program. In the next few weeks, INS will be meeting with a number of the national voluntary agencies to discuss program regulations, and the specific roles that private agencies might perform.

"We have had no formal discussions with INS," said Monsignor Nicholas DiMarzio, director of Migration and Refugee Services for the U.S. Catholic Conference, "but we see ourselves cooperating in the legalization program." DiMarzio, who is also chairman of the InterAction task force on legalization, said development of program

regulations was "key" in resolving private agency concerns about implementation.

"The voluntary agencies are going to be involved in the program," said Chris Gaffney of the American Council for Nationalities Service (ACNS). But she added, "Whether we become contractors with INS is going to depend on how the program is implemented, and whether it's in the interests of our clients to do so." There were still "lots of unanswered questions" about the program regulations, she said.

INS, Volags to Discuss Responsibilities, Relationships, and Fees Several voluntary agency officials had questions about the specific roles their organizations would play in the legalization program. One INS official told Refugee Reports that private agency responsibilities were likely to include screening applicants, advising them on eligibility, and assisting them with the preparation and filing of documents.

Although the immigration act does not fully specify the type of documentation that aliens must file in order to adjust status, DiMarzio said that he understood it would include proof of continuous residence, a recent medical history, photographs, and fingerprints. Proof of residence could be established by employment and school records, rent receipts, utility bills, and tax-related forms. Affadavits from credible witnesses could also be used.

John Fredrikson of the Lutheran Child and Family Service in Chicago told Refugee Reports that he was concerned about INS monitoring of the legalization program, and the implications for both his clients and his agency: "What involvement will INS have in the preliminary stages of processing?" he asked. "Will they make site visits to the agencies? What will be done to safeguard confidentiality?"

When asked these questions, an INS official pointed out that the act states that all files gathered by participating agencies are confidential and that "INS and the Attorney General are barred from access to files without consent of the alien."

The act also states that information furnished as part of the legalization application "may not be used by the Attorney General or Justice Department for any other purpose than to make a determination on the application." The INS official said this means that the file of an alien who is rejected for temporary resident status could not be used to initiate deportation or exclusion proceedings, unless it was established that the alien had presented fraudulent documentation in the application.

Although program regulations governing INS and private agency relationships have yet to be drawn up, one INS official said, "We will not be there checking up on people, or making arrests. As long as applications are prepared honestly, there is no risk involved."

DiMarzio said that another issue to be discussed with INS was the matter of reimbursement fees INS will pay to the voluntary agencies, or other qualified organizations, for processing legalization applications. He said that a figure of $15 per application that had been discussed in previous years was "no longer adequate," for two reasons. The first is simply that "things cost more these days," he said. The initial figure also assumed a one-step process in which the legalized alien immediately assumed permanent resident status. The current act has established a two-step process that will be more costly and time-consuming, said DiMarzio.

Gaffney concurred that "fees are important and need to be discussed at some point." More important right now, however, is the need to develop "good, solid regulations that spell out who is eligible for legalization, how do they prove it, and what risks are involved," Gaffney said.

Cuban-Haitian Adjustment Begins When President Reagan signed the immigration reform act, between 30,000 and 35,000 Haitians in the United States immediately became eligible to apply for permanent resident status, according to INS. Also included were at least several hundred Cubans who had not been eligible to adjust under previous legislation.

Under the Cuban Adjustment Act of 1966 and successive laws, Cuban nationals have been eligible to apply for permanent resident status in the United States. The exact number to have adjusted is not known. The current adjustment act is the first that has applied to Haitian "entrants," many of whom arrived in the United States during the same period as the Mariel Cubans.

The Cuban-Haitian adjustment section of

the new act covers three groups, according to INS: persons designated as "Cuban-Haitian Entrants"; Cubans and Haitians who applied for asylum with INS prior to January 1, 1982; and nationals of Cuba and Haiti who entered the country without inspection prior to the January 1, 1982 cutoff date.

INS is urging qualified applicants to wait a few weeks before applying because the regulations and forms needed to implement the program are not yet available at INS district offices. The service hopes to have the regulations completed in 30 days, according Joe Cuddihy, Senior Immigration Examiner at INS.

There will be no charge for applying, Cuddihy said, and eventually, applicants will be able to apply at INS district offices.

In the past, voluntary agencies have been involved with adjustment programs, but, Cuddihy said, "I think it's too early to say how much of a role voluntary agencies will have in this program." The bill does not provide federal funding for implementing the Cuban-Haitian adjustment program.

Documentation May Expedite Application Processes Persons who think they may qualify for adjustment should try to locate those documents which verify their status in the United States, Cuddihy said. Those who entered as Cuban-Haitian "entrants" should have an I-94 visa stamped "Cuban-Haitian Entrant--Status Pending."

Asylum applicants should have copies of their correspondence with INS, a receipt from their application, or an alien registration number.

Persons who entered the United States illegally prior to January 1, 1982 will need to have some documentary proof of that. Included in this group are the be so-called "Spellman Haitians," Cuddihy said. These Haitians, numbering 1,500-2,000, arrived after the Cuban-Haitian entrant program ended. They were held in custody, but later ordered released into parole in June 1982 by Judge Eugene P. Spellman of the U.S. District Court for south Florida. They were issued an I-55 laminated "Immigration Parolee Card," according to Cuddihy.

"We'll make provisions for lost documents," Cuddihy said, adding that the service has a computerized system which can locate a person's immigration record based upon a name and birthdate. There are also computerized files containing each asylum application, Cuddihy said.

Though qualified Cubans and Haitians will be able to become permanent residents immediately, the adjustment does not extend to their spouses and children unless they meet the adjustment criteria.

For example, Cuddihy said, a Haitian who married a Guatemalan would not be allowed to adjust his wife's status along with his own. "She would have to leave the country and get a visa at the embassy," he said, and would have to wait for a visa subject to normal immigration quotas. Previous adjustment acts, like the 1968 and 1975 acts concerning Vietnamese, he said, included the automatic adjustment of spouses and children.

Under these circumstances, Cuddihy said, it is conceivable that some Cubans and Haitians who qualify for adjustment might also qualify for legalization, and could choose to apply for the amnesty in order to legalize their spouses and children sooner.

Some Extended Voluntary Departure Recipients May Be Eligible for Amnesty Persons in the United States who were under extended voluntary departure (EVD) prior to January 1, 1982, or who were in an unlawful status, and known to be so by INS prior to that date, might be eligible to apply for amnesty under provisions of the new immigration act, according to sources at INS. EVD is a temporary stay of detention and deportation granted at the Attorney General's discretion, following a recommendation by the Department of State.

EVD is not a legal status, according to both Congressional and INS sources familiar with the issue. Under the new immigration law, those who can prove they were in the United States illegally prior to January 1, 1982, can apply for amnesty.

On January 1, 1982, EVD was in effect for nationals from Afghanistan, Ethiopia, Poland, and Uganda. EVD for Ugandans expired on September 30, 1986. It remains in effect for the other nationals.

It is possible, sources said, that nationals of countries for whom EVD was once granted, but has since expired, may also still be in the United States, because of

case-by-case extensions of EVD. Included in this category are Iranians, Hungarians, Romanians, Lebanese, Nicaraguans, and Czechoslovakians.

Individuals on voluntary departure, or extended voluntary departure, can request extensions of those statuses, according to INS officials. Requests for extensions are reviewed on a case-by-case basis at the discretion of INS district directors.

It is not known how many persons are currently in the United States under EVD, INS officials said.

CONGRESS REAUTHORIZES REFUGEE ACT

On October 18, in an unexpected move, Congress passed legislation reauthorizing the domestic refugee resettlement program for FY 87 and 88. President Reagan signed the bill into law two weeks later. The Refugee Assistance Extension Act of 1986 (P.L. 99-605) adopts most of the language of the reauthorization bill passed by the House of Representatives more than a year ago.

Authorization for the refugee program had expired at the end of FY 83. Since that time, funding for the Office of Refugee Resettlement (ORR) has been provided through continuing resolutions passed by Congress at the beginning of each new fiscal year. ORR funds for FY 87 have also been appropriated through a continuing resolution passed shortly before the reauthorization act.

The Senate amended the House version of the reauthorization act by deleting funding authorization for "targeted assistance," an ORR-funded program of supplementary aid designed to find employment for refugees and entrants residing in local areas of high need. In FY 86, $47 million was appropriated for targeted assistance. Although the FY 87 continuing resolution provided no new funds for targeted assistance, ORR will be able to continue the program through March 1988 by carrying over funding from the previous year.

An ORR official said that his agency's FY 87 budget request must be approved by the Office of Management and Budget (OMB) before any money can be spent this fiscal year. He said he expected OMB to approve the ORR budget sometime during the week of November 17, and that the new funding for FY 87 would amount to about $360 million.

The Senate also deleted a provision in the House reauthorization bill that would have granted refugees "presumptive eligibility" for Medicaid during their first year in the United States. Under this provision, the director of ORR would have been authorized to provide newly arriving refugees with medical assistance regardless of their financial status. Susan Forbes of the Refugee Policy Group in Washington, D.C., told Refugee Reports that presumptive eligibility for Medicaid had been seen as "one way of separating cash and medical assistance." She said that the administration had opposed the idea on the grounds that it would provide refugees with a benefit not available to other citizens.

Act Requires Volags to Report, Meet Performance Standards The reauthorization act includes a number of provisions that could have a significant impact on voluntary agencies and the reception and placement services they provide, under grant agreements with the Department of State.

The act requires that voluntary agencies must file quarterly performance and financial reports, as well as submit to an annual audit by the General Accounting Office (GAO). Voluntary agencies will also be required to prepare annual reports that describe their annual expenditures under the reception and placement agreement, the number of refugees they placed (by county of placement), the proportion of refugees placed in the previous year who are receiving cash or medical assistance, and efforts made by the agency to monitor placement and to coordinate with other local service providers.

The State Department is directed by the act to establish performance criteria for the agencies providing reception and placement (R&P) services, to account for "efforts to reduce welfare dependency," collection of travel loans, cooperation with refugee mutual assistance associations (MAAs), and compliance with overall program guidelines.

A State Department official said that most of the act's new requirements for the reception and placement (R&P) grants had been anticipated, and would be reflected in its new cooperative agreement with the voluntary agencies providing R&P services. That agreement is being reviewed by State's legal counsel and a final version should be

completed by January, the official said.

The current version of the cooperative agreement provides voluntary agencies with a per capita grant of $560 for each refugee they resettle. The agreement requires the voluntary agencies to provide a range of "core services" during a refugee's first 90 days in the United States, including housing and food for a minimum of 30 days, clothing, orientation to public services and the local health care system, and job counseling to employable refugees.

The State Department official said that the new cooperative agreement would include "transportation to job interviews and training" as a new core service. The official also said that guidelines will be incorporated into the agreement that spell out performance criteria in the areas of monitoring, case evaluation, employment of "free cases," and evidence of "local presence" by a voluntary agency or affiliate.

FAIR PETITIONS INS TO END WORK AUTHORIZATION FOR CERTAIN ALIENS

The legality of a federal regulation which allows the Immigration and Naturalization Service (INS) to authorize work for several classes of aliens, including those "who filed a non-frivolous asylum application," is being challenged, according to a notice in the October 28, 1986 Federal Register.

The notice includes the text of a petition which the Federation for American Immigration Reform (FAIR) filed with INS on October 22, 1986. It states that 8 CFR (Code of Federal Regulations) 109.1 (b), which authorizes employment to be granted to certain groups of aliens at the discretion of the Attorney General, is "contrary to one of the key purposes of the INA [Immigration and Nationality Act], which is to protect American workers and working conditions." The petition asks that the rule be rescinded.

The petition states that only the Congress, not the Attorney General, has the authority to grant work authorization to those aliens described in section (b).

Aliens covered under section (b) include those who have applied for adjustment to permanent resident status, those paroled into the United States for "emergent reasons," those who have applied to an immigration judge for suspension of deportation, and those granted voluntary departure who meet certain conditions.

According to Dan Stein, an attorney for FAIR, the granting of work authorization to aliens described in section (b) is carried out by INS district directors on behalf of the Attorney General. But the Attorney General's power to authorize was itself, "never authorized by Congress," Stein said.

According to Michael Shaul, of INS, "The service is not taking a position for or against the petition." And, according to the Federal Register notice, "the service is not proposing a regulatory rule for adoption."

Shaul said INS is under no obligation to print letters from the public. The fact that INS chose to print the petition indicated that the service took it seriously, he said.

Amy Novick, of the American Immmigration Lawyers Association (AILA), said she thought the rule change sought by the petition might already have a great deal of sympathy within INS. She said several of AILA's national chapters were reporting that many INS district directors typically deny work authorization to aliens in deportation proceedings, or those with pending asylum applications.

The INS notice invites public comments about whether or not it should proceed with the rulemaking FAIR is requesting. Comments, in duplicate, should be sent on or before December 29 to the Director, Office of Policy Directives and Instructions, INS, 425 I Street, NW, Room 2011, Washington, DC 20536.

OAKDALE ANNOUNCES CHANGE OF "MISSION"

Some Cubans now in detention may be paroled after a period of rehabilitation at the Oakdale detention facility, according to spokesmen for the Immigration and Naturalization Service (INS) and the Bureau of Prisons (BOP).

The Oakdale detention facility, a controversial complex built to detain undocumented aliens, will be used to hold some of the excludable Cuban detainees from the 1980 Mariel boatlift now in the Atlanta federal prison, state and local jails, and INS processing centers throughout the

nation, according to Duke Austin, public information officer for INS.

Austin said the Cubans moved to Oakdale will be of a "low security risk,"--those INS believes will not try to escape. And, according to Ray Rowe, associate warden for programs at Oakdale, "Most will have had exclusionary hearings and many will have been approved for halfway houses," indicating that some might be paroled into the community. Paroles of this kind are issued at the INS district director's discretion, Austin said, adding that 300 such paroles have been granted during the past year.

Aliens now in Oakdale are being released on bond, deported, or moved to INS processing centers, Rowe said. Only 300 aliens would be left in the facility by November 14, he said, and the first group of 200 Cubans from Atlanta were expected to arrive in Oakdale on November 12. Rowe said the switch would be completed in six weeks, and by February 1987 Oakdale will hold as many as 950 Cubans.

Austin said the change was being made because an "ever increasing number of excludable Mariels were in INS custody." In INS detention centers alone, he said, 600 Cubans were housed, and 40 to 50 more are being apprehended each month. Austin said the opening of Oakdale is not designed to relieve over-crowding in Atlanta since only 200 Cubans, including an undetermined number from Atlanta's mental health unit, will move from there.

Despite the "low-risk" classification, "We're going to be beefing up security," Rowe said. "We're going to add more man-barrier wire, another patrol car, and double the officer coverage inside." Of 80 new positions at Oakdale, 50 will be security personnel, Rowe said.

The 44 INS employees now involved in deportation proceedings at Oakdale "will be kept," Rowe said. "There won't be a need for an immigration court and there won't be deportations," Austin said. It's not known what INS staff at Oakdale will be doing from now on. "There may be some shuffling of the people in there," Austin said.

Officials said Oakdale will have recreation, education, health and rehabilation programs for the detainees. The opportunity for training will provide some detainees whose behavior is good to have a job skill, Austin said, when and if they are paroled.

Though INS has described the change at Oakdale as temporary, BOP and INS officials said they don't know when Oakdale will return to being a detention facility for undocumented aliens.

SHAKE UP AT UNHCR AVOIDS MAJOR UN CUTS

As Congress and the Reagan Administration sought ways to reduce the federal budget throughout the term of the 99th Congress, the U.S. contribution to the United Nations loomed as an increasingly inviting target for major cuts. Without a natural constituency of domestic U.S. support and, in the eyes of many, with an inflated budget, chronic mismanagement, and a record of unpopular positions critical of U.S. foreign policy stands, the United States was poised to cut drastically its contribution to the international body and its agencies.

Personnel at the office of the UN High Commissioner for Refugees (UNHCR), although not directly threatened by the projected cuts, began administrative "housecleaning" in an effort to avert criticism.

U.S. Contribution to UN Cut by More Than Half On October 27, the United States informed UN Secretary General Javier Perez de Cuellar that it would contribute $100 million to the 1986 UN budget. This represents less than half of the $206 million assessment required of the United States under the UN Charter.

The reduction caps a series of measures by the U.S. Congress and the Reagan administration to cut the U.S. contribution, beginning last year with the Kassebaum Amendment (Public Law 99-93), which would reduce the U.S. contribution to the UN and its specialized agencies from its traditional 25 percent of the budget to 20 percent, unless the United States is given a greater voice in how the money is spent.

UN Takes Belt-Tightening Measures Pressure from the United States aggravated a budget crisis at the UN that had been announced by Secretary-General Javier Perez de Cuellar in early 1986. On April 28, he presented the General Assembly with a revised budget, cutting $60 million.

On August 18, a committee of 18

diplomats presented Perez de Cuellar with a report recommending a 15 percent cut in UN personnel, a lay-off of about 1,700 employees, and sharp cuts in the number of UN conferences and travel. The 40-page report, with 70 recommendations for reform, did not, however, advocate adopting voting on budgetary matters proportional to the contributions of member states, the heart of the U.S. congressional demand.

UNHCR Restructures Itself The UN High Commissioner for Refugees has been fortunate in that its U.S. contribution comes by way of the U.S. Bureau for Refugee Programs budget rather than the general foreign aid budget. As a consequence, said Nicholas van Praag, UNHCR press officer, "we are more comfortable."

Under the new direction of Jean-Pierre Hocke, however, UNHCR has not been complacent. And some in Congress have noticed administrative reforms instituted by Hocke. On September 19, Sen. Edward M. Kennedy (D-Mass.), ranking minority member of the Senate refugee subcommittee, addressed the Senate, saying that "the important management and other reforms that have been achieved by the new UN High Commissioner for Refugees...[are] one example of the United Nations responding to our concerns and criticisms--when they are constructively offered."

On March 21, Hocke issued a memorandum to the staff dictating a fundamental reorganization of UNHCR. The old structure, in which the protection and assistance functions were separately compartmentalized, was replaced by regional bureaus in which UNHCR's protection mandate has been integrated with its role in refugee assistance.

In an August 11 letter to Kennedy, Deputy High Commissioner Arthur E. Dewey wrote, "The fundamental objective of these reforms is to strengthen UNHCR's performance and cost-effectiveness in field operations which protect and assist refugees." The reforms, wrote Dewey, addressed "wide concern both within and outside the office that UNHCR had lost its sense of identity and purpose."

Protection Mandate at Center of Reorganization Concern had been raised in some quarters that UNHCR's protection mandate would "play second fiddle" if subsumed under assistance. Van Praag said, "There has been no downgrading of protection. Protection is at the pinnacle of our concern." He said that the restructuring "marries protection and assistance, which had been artificially divorced before."

A nongovernmental agency representative who recently visited UNHCR headquarters in Geneva, however, came away with more cautious impressions. This individual described much of the staff as "exceedingly dispirited," an observation reportedly discussed at meetings with nongovernmental agencies in October.

The observer said that the emphasis of the new UNHCR leadership appears to be to "get in and out of situations quickly." UNHCR appears ready to act on emergency situations for a brief period and then "pass the baton" to other agencies such as the UN Development Program. Such an approach, the source said, "has some real dangers, if not well handled."

This observer went on to say that the word "protection" has been taken out of any formal titles. "There are no longer 'protection officers.' If protection is everybody's responsibility, it can all too easily become nobody's."

UNHCR Representative to the United States Moved from District of Columbia to New York Another consequence of the UNHCR shake up has been to move the UNHCR Representative to the United States from Washington, D.C. to New York City. Some critics of the move charge that it risks drawing UNHCR further into the UN orbit. One told Refugee Reports, "It smothers the good image of UNHCR in the bad image of the UN."

Arthur Helton, director of the Political Asylum Project of the Lawyers Committee for Human Rights, said, "The move may signal a diminished commitment to protection in the United States." Helton said that it was too early to tell whether his fears are justified, but added that "structurally" it poses certain questions about UNHCR supervision of protection, both in terms of individual cases, where UNHCR dealt directly with the Department of State, and also in broader protection questions in U.S. law, where the UNHCR Representative to the United States had worked effectively with the U.S. Congress.

Dale de Haan, director of the Immigration and Refugee Program of Church World

Service and former Deputy UN High Commissioner for Refugees from 1978 to 1981, said that every new UNHCR administration brings its own changes, and that a certain amount of controversy surrounding them is to be expected. He said, "I don't attach much importance" to the move from Washington of the UNHCR Representative to the United States. He said that the position was originally located in New York and "performed very well there."

De Haan said, however, that more important than organizational restructuring is the new High Commissioner's policy orientation to "restore the earlier broader construction of the competency of UNHCR's office." By this, de Haan specifically referred to Hocke's insistence that UNHCR is concerned not only with refugees fleeing persecution, but also with persons who have fled their country due to situations that do not fall within the classical refugee definition of the UNHCR statute, such as armed conflicts and internal turmoil. De Haan said, "I think he is off to a good start."

COURT RULES YOUNG SALVADORAN MEN NOT "SOCIAL GROUP" FOR PURPOSES OF ASYLUM

Before leaving El Salvador in 1980, Luis Armando Escobar-Sanieto, a 24-year-old auto mechanic, says he lived in fear.

After his workplace was destroyed by bombs, he was laid off from his job. That same month, two men in an unmarked van with government license plates attacked him as he was walking on the street one evening. The men questioned him about guerrilla activities, beat and robbed him, and threatened him with death.

Escobar had participated in two demonstrations protesting human rights abuses and had avoided recruitment into the army. He had several young male friends who were killed by the national guard and saw the dismembered bodies of other young men who he believes were killed by the national guard.

Escobar and another young Salvadoran male, Luis Alonzo Sanchez-Trujillo, appealed their deportation order on the grounds that they are members of a "particular social group"--young (18 to 30 years old), urban, working-class males of military age who have not served in the military or otherwise demonstrated their support for the government of El Salvador.

On October 15, the Ninth U.S. Circuit Court of Appeals ruled against Sanchez and Escobar, denying that they qualified for asylum and withholding of deportation as members of a social group. The Immigration and Nationality Act defines a refugee as a person unable or unwilling to return to a country due to "a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" (emphasis added).

The court panel determined that a "social group" implies a "voluntary associational membership." Young men, the Ninth Circuit found, do not constitute such a membership.

The Ninth Circuit ruling upholds the Board of Immigration Appeals (BIA) decision, which dismissed Escobar and Trujillo's appeal on October 15, 1985. In its ruling, the BIA stated, "It is not enough to simply identify the common characteristics of a statistical grouping of a portion of the population at risk, but in the context of the asylum and withholding provisions related to 'membership in a social group' under the [Immigration and Nationality] Act there must be a showing that the claimed persecution is on account of the group's identifying characteristics."

The board ruled that individuals in El Salvador are not persecuted because of their age, gender, economic status, and urban residence either "singularly or in the aggregate." The only factor shown to be a basis for persecution in El Salvador, according to the BIA, is political opinion.

"While the respondents have shown statistically that many of those being killed in El Salvador are young males," the board concluded, "a purely statistical showing is not by itself sufficient proof of the existence of a persecuted group."

AFGHAN WOUNDED RECEIVE MEDICAL TREATMENT IN THE UNITED STATES

Efforts by private organizations in the United States to assist war-injured Afghans recently received a financial boost from the U.S. government. An amendment to a

congressional appropriation for nonlethal aid to the Afghan resistance provides almost $1 million to enable wounded Afghans to receive medical care in the United States.

In August, the Intergovernmental Committee for Migration (ICM) signed a one-year contract with the Agency for International Development (AID) to coordinate transportation arrangements for Afghans travelling to and from Pakistan. ICM acts as a liaison between governments, voluntary agencies, hospitals, physicians, and community groups to identify sources willing to sponsor patients and to donate medical treatment and care.

ICM official, Fran Sullivan, told Refugee Reports that the $800,000 contract with AID primarily covers patient transportation costs. All medical care and sponsorship services in the United States must be provided on a voluntary basis. Sullivan estimated that patients are in the United States for an average of two to three months before they return to Pakistan. She said patients and their escorts are admitted with temporary entry visas, not as refugees.

In the last two years, it is estimated that more than 160 Afghan men, women, and children have been flown to medical facilities around the United States to be treated for wounds they sustained in the war against Soviet occupying forces in Afghanistan. Sullivan said that there are currently about 80 Afghan patients in the United States, and an additional 80 on a waiting list. Sullivan explained that the people on the waiting list were first nominated by a board made up of Afghan political party members in Pakistan, and then given a medical examination by the International Medical Corps, a U.S. voluntary organization working in Pakistan. The screening services are funded under a $150,000 contract with AID.

An ICM report on the Afghan medical program states that, in order to be treated abroad, "patient injuries must be war-related, having been sustained in Afghanistan." Additionally, the condition must be one that cannot be treated in Pakistan hospitals, but can be treated in the United States within three to six months. The report also states that "patients who have communicable or chronic diseases, or psychiatric problems, will be screened out."

The director of the Committee for a Free Afghanistan, Mary Spencer, says her organization started its own "Project Wounded" in August 1984, but was able to bring over no more than three or four Afghan patients per month. "We were doing it all by ourselves back then," she said.

Spencer credits Rep. Charles Wilson (D-Tex.) as being "critical in getting government support and in helping us network in the Afghan community." She said Wilson was instrumental in bringing 60 patients to Texas for treatment.

Spencer said there are two motivations for helping the Afghan wounded. The first is humanitarian: "There are virtually no hospitals left in Afghanistan, and 80 percent of the doctors have been killed. To be wounded in Afghanistan is to be dead." Her second motivation is more political: "The American people need to know of the brutality over there. We can't take the journalists to Afghanistan, so we're bringing the war to the United States."

Current Research

GAO STUDIES U.S. ASYLUM PRACTICES

The General Accounting Office (GAO) is expected to publish a report on November 18 on the fairness of U.S. asylum practices. The report is anticipated to show that applicants who suffered similar kinds of persecution were not granted asylum at similar rates. A preliminary report of the study's findings suggests that their country of origin was a key variable.

The preliminary findings were made available to Sen. Arlen Specter (R-Pa.), who published them in the October 15 Congressional Record. Specter had requested that GAO do the study.

"Aliens who stated on their applications that they were arrested, imprisoned, had their life threatened, or were tortured had much lower approval rates if they were from El Salvador and Nicaragua than if they were from Poland and Iran," the preliminary report states.

Among those sampled who described torture to support their asylum claims, according to the report, had widely varying approval rates of 4 percent for Salvadorans, 15 percent for Nicaraguans, 64 percent for

Iranians, and 80 percent for Poles. The report qualifies the finding by saying that factors such as extent of documentation and severity of mistreatment were not analyzed.

Another significant factor for discrepancies in asylum approvals is whether or not the applicant entered the country legally. Legal entrants from all countries had an average approval rate of 38 percent. Asylum applicants who entered without inspection (illegally) were found by the study to have approval rates of 1.6 percent. About 87 percent of Poles and Iranians entered legally, of whom 49 and 67 percent, respectively, were approved. Eighty-seven percent of Salvadorans entered without inspection, of whom the asylum approval rate was .4 percent. Those Salvadorans who did enter the country legally had asylum approval rates of 11 percent.

Of the asylum applications sampled, the study found that people who claim persecution on account of religion receive the highest asylum approval rates (82 percent). On the other hand, all applicants whose stated fears were based upon conditions of internal civil or military strife were denied. Salvadorans comprised 87 percent of those basing their asylum claims on such conditions.

INS Does Not State Reasons for Denying Asylum The GAO study was based on a stratified random sample of 2,023 of the 32,426 advisory opinions issued by the State Department in 1984. Samples were drawn from nationals of El Salvador, Iran, Poland, and Nicaragua, the four countries with the highest volume of asylum applications--82 percent of the total processed by the Immigration and Naturalization Service in 1984.

Of the GAO sample, 573 files, or 28 percent, were either not located, incomplete, or pending an INS action, and were not available at the time of the review.

The study pointed out the difficulty of analyzing discrepancies in asylum denials. "With no requirement [for INS officials] to document decisions it is uncertain as to whether all applicants were treated fairly and were held to the same standards." Any review of asylum decisions is made difficult, the report states, "because INS does not require that the applicant's file contain the specific reasons for approving or denying the application." While the GAO study reports differences in approval rates among the four countries, it does not go so far as to allege the existence of a bias in the application of asylum standards.

These preliminary findings include the caveat, "Until the amount of error associated with each value is determined, we advise caution in drawing inferences from the findings reported here."

Few Denied Asylum Applicants Actually Deported The study also found that few of the people denied asylum are actually deported. Of the 21,033 applicants denied asylum, 312, or 11.5 percent, were deported to their home country. Here, again, a discrepancy was found among the countries in the GAO sample. In fact, none of the deported applicants were from Poland, Iran, or Nicaragua. Only Salvadorans appear in the GAO sample as actually being deported to their home country.

CIVIL RIGHTS COMMISSION ISSUES REPORT ON ANTI-ASIAN VIOLENCE

Violence against Asians is a widespread problem across the United States and may be caused, in part, by public misconceptions about refugees, according to a recent report by the U.S. Commission on Civil Rights.

"Many Americans misunderstand the status of refugees in this country," and "such misunderstandings can create feelings of mistrust and resentment," says the report, titled "Recent Activities Against Citizens and Residents of Asian Descent."

Among the public's misconceptions about refugees is the nature of the financial support the U.S. government provides them. "One commonly held belief about refugees is that the United States Government is making very low-interest loans to immigrants and refugees or giving them money to start businesses," the report says. Many Americans believe that refugees receive cash grants from the government, or that they are "entitled to greater welfare benefits from the government to which Americans generally are not entitled," according to the report.

Refugees, for their part, may also contribute inadvertently to some anti-Asian sentiment, the report says, because they "may not be aware of American customs or

laws and may do things that violate either local ordinances or rules of conduct found acceptable by Americans."

Those who commit acts of violence against Asians usually live in the same community as their victims, according to the report. Most of these offenders are never arrested.

The report was undertaken at the urging of Commissioner John H. Bunzel, a senior research fellow at Stanford University's Hoover Institution. In an 18-month period, the commission's staff visited a number of U.S. cities and received written and oral testimony from Asian civil rights leaders, law enforcement officials, politicians, and others.

Bunzel issued his own statement in the report in which he called for the formation of state commissions on "emerging populations" to assist refugees and immigrants. He also urged funding for "newcomer transitional training services" to assist refugee and immigrant adjustment. Finally, he called upon the media, especially televi--sion, to "take immediate and positive steps to improve the perception of Asian Americans so that old stereotypes will not be reinforced."

The lone recommendation of the report calls for the establishment of a national system for collecting statistics about anti-Asian activity, in order to determine more accurately the level of such activity around the country. But Federal and local law enforcement officials say such a system would be extremely difficult to implement. A bill which would have attempted to establish such categories of statistics, possibly within the Federal Bureau of Investigation's Uniform Crime Report, died during the 99th Congress.

Projects and Programs

TWO STATES ASSESS ANTI-ASIAN VIOLENCE

As noted in the U.S. Civil Rights Commission report on anti-Asian violence (see Current Research), only a handful of states nationwide are attempting to track the number of violent acts against Asians. And officials in at least two of those states--Maryland and Massachusetts--cite numerous shortcomings in attempting to draw conclusions based upon their statistics.

They say that not all incidents are reported. Many victims, especially Southeast Asians, often do not come forward to police (see Refugee Reports, Vol. VII, No. 8). This is especially true for activities that do not involve physical violence and are not typical crimes, such as harassment and intimidation.

In Maryland, where the state police have been required by state law since 1982 to track so-called "hate crimes" and incidents of a racial, religious, and ethnic nature, local police and fire departments voluntarily provide statistics. According to Joann Anderson of Maryland's State Human Relations Commission, the number of racial, religious, and ethnic incidents has remained about the same over the last four years. "There are no trends," she said.

Lt. John Cook of the Maryland State Police Superintendent's office said, "We don't have across-the-board numbers of intimidating acts against Asians as against blacks and Jews." He said if he had to rate the number of incidents by volume against a particular minority, he would put blacks first, followed by Jews, and Asians.

Although the system has been refined and definitions of "hate crime" activities have been developed for local officers to use in reporting, there are still problems.

Some activities fall to the subjective interpretation of individual officers. "What might be considered an act of bigotry one place is accepted somewhere else." He added, "What we may consider an act of intimidation, someone else might consider free speech, such as a Ku Klux Klan pamphlet."

The real difficulty in reporting acts of hatred may lie in the subjective nature of hate itself. "You can't legislate hearts and minds," Cook said.

Boston Police Enforce Strong Rights Law

Sergeant Bill Johnston, commander of the Boston Police Department's Community Disorders Unit, said the problem with "hate crimes" is that most states do not have the proper tools to deal with them--namely, strong civil rights laws. "Hate crimes are not unsolvable," Johnston said. "I arrest for civil rights violations."

Johnston said the community disorders unit was formed in 1978 to cope with

community violence resulting from court-ordered busing. In 1980 the unit began working with Boston's emerging Asian communities. His staff includes 13 detectives and four interpreters, who together have language ability in Lao, Thai, Chinese, Vietnamese, Cambodian, and Spanish.

Johnston believes the success of the unit, which was involved with 183 cases during 1985, is attributable to "good, streetwise officers," who have been trained to be sensitive to the communities they serve, and the state's tough civil rights laws, which allow officers to identify and arrest violators.

According to Gail Suyemoto of the state Attorney General's office, the law is backed up by tough criminal and civil provisions. Criminal penalities include a $1,000 fine or one year in prison, or both, and in case of bodily injury, a $10,000 fine, 10 years in prison, or both.

"There are two ways to prove racial violence: the use of epithets, and establishing a pattern and practice of violence," Suyemoto said. "This sometimes puts the Asian community at a disadvantage because you have to understand English" to know whether or not someone is calling you a name. If a pattern of violation is established, a person can be enjoined from further such activity.

Suyemoto said there have been 30 civil cases prosecuted under the act since 1980 and 15 of those involved Asian victims. However, for Johnston, the most important statistic is the number of repeat incidents. There were only five repeat incidents during 1985, he said.

Johnston believes if there were greater cooperation among Asian ethnic groups and with the police, even more offenders could be arrested. "Some Asians still have a guest mentality, and they don't complain."

Resources

STUDY GUIDES INTRODUCE U.S. GOVERNMENT

Two text books provide an elementary introduction to the American government, and would be useful for some refugees contemplating naturalization.

It's Our Government and Government at Work, written for a second-to-fourth-grade level, would be appropriate for ESL classes.

Both books, with teacher's guides, are available for $27.80 from Janus Books, 2501 Industrial Parkway West, Hayward, CA 94545. Also available are classroom sets, and one ESL teacher's guide, for $49.70.

IRAC PUBLISHES CONVENTION REPORT

The Indochina Resource Action Center (IRAC) has published a report summarizing the recommendations from the Indochinese Community Leadership Convention (see box, page 5).

The report is available for $7.00 from IRAC, 1118 22nd Street, NW, Suite 300, Washington, DC 20003. (202) 223-8866.

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10. I certify that the statements made by me above are correct and complete.

Wells C. Klein
Publisher

ASYLUM CASES FILED WITH INS DISTRICT DIRECTORS
IN FY 86

NATIONALITY*	Cumulative Received	Cumulative Granted	Cumulative Denied	Pending as of 9/30/86	NATIONALITY*	Cumulative Received	Cumulative Granted	Cumulative Denied	Pending as of 9/30/86
TOTAL	18,889	3,481	7,882	99,408					
AFGHANISTAN	195	48	63	123	LEBANON	240	4	231	118
CHINA (PEOPLE'S REP.)	47	18	10	32	LIBERIA	39	6	18	20
CUBA	3,043	139	649	89,606	LIBYA	122	41	26	67
CZECHOSLOVAKIA	60	22	9	38	NICARAGUA	7,111	1,082	2,873	3,926
EGYPT	32	0	18	22	PAKISTAN	62	2	33	42
EL SALVADOR	2,183	55	1,149	997	PHILIPPINES	93	9	75	43
ETHIOPIA	391	175	205	122	POLAND	965	373	176	346
GUATEMALA	471	5	209	245	ROMANIA	215	127	42	83
HAITI	176	2	514	2,042	SIERRA LEONE	1	0	0	12
HONDURAS	195	0	28	128	SOMALIA	86	16	46	44
HUNGARY	105	22	24	69	SOUTH AFRICA	46	10	22	30
INDIA	116	0	70	65	SRI LANKA	24	1	23	22
IRAN	2,236	1,172	828	744	SYRIA	113	50	38	74
IRAQ	53	8	36	28	USSR	36	33	10	17
ISRAEL	11	0	5	14	UGANDA	41	6	45	31
JORDAN	17	0	6	11	YUGOSLAVIA	127	4	48	62
LAOS	17	2	7	12					

* Nationalities with fewer than 10 applications pending are omitted from this chart, but are reflected in the total.

Note: This chart is based on data for asylum cases filed with INS district directors only. Many applications for asylum are filed with immigration judges, particularly in the context of deportation proceedings. The Office of the Chief Immigration Judge is developing a data system, but asylum statistics are not now available.

Source: Immigration and Naturalization Service

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